

1 SHARI L. GREENBERGER, SBN 180438  
SARA ZALKIN, SBN 223044  
2 506 Broadway  
San Francisco CA 94133  
3 Telephone: 415/986-5591

4 Attorneys for Defendant  
JOSE CASTELLANOS  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CR 04-40148 DLJ

13 v.

STIPULATION AND ORDER TO  
CONTINUE STATUS HEARING

14 JOSE CASTELLANOS,

15 Defendant.  
16 \_\_\_\_\_/

Date: November 2, 2007  
Time: 9:00 a.m.

17 At the request of the parties, the Court enters this order  
18 (a) continuing the status hearing presently set for Friday,  
19 November 2, 2007 at 9:00 a.m. to December 14, 2007 at 9:00 a.m.;  
20 and (b) excluding time under the Speedy Trial Act from November  
21 2, 2007, based on the following:

22 1. Defendant JOSE CASTELLANOS, who is currently free on  
23 secured bond, has a pending motion to quash the search warrants  
24 relevant to the indictment in the above-entitled matter, which  
25 has been deferred.

26 2. The parties have engaged in and continue to engage in  
27 substantive discussions to resolve this matter short of  
28 litigation of motions and trial.

1           3.     A status hearing is presently set for Friday, November  
2     2, 2007, at 9:00 a.m.

3           4.     The parties met and conferred on June 7, 2007. The  
4     defense tendered a specific proposal to resolve this case which  
5     is still under consideration by the government.

6           5.     As a decision has not yet been reached, additional  
7     time is requested in furtherance of the ultimate resolution of  
8     this matter, deemed a "complex case" from its inception.

9           6.     With respect to continuity of counsel, defense  
10    attorney Shari White, formerly Greenberger, has just returned  
11    from her honeymoon and this settlement is still under  
12    consideration by the United States Attorneys Office.

13          7.     Accordingly, the parties hereby request that this  
14    matter be continued from Friday, November 2, 2007, until Friday,  
15    December 14, 2007, at 9:00 a.m. for a prospective change of  
16    plea.

17          8.     The parties stipulate that time is excludable from the  
18    limitations of the Speedy Trial Act because the interests of  
19    justice are served by granting a continuance. This continuance,  
20    requested by the parties, will permit continuity of counsel, and  
21    allow the reasonable time necessary for effective preparation,  
22    taking into account the exercise of due diligence. 18 U.S.C.  
23    sections 3161(h)(8)(A) and (B)(iv).

24          9.     Time is further excluded pursuant to 18 U.S.C.  
25    sections 3161 (h)(1)(F) predicated upon the defendant's pending  
26    Motion to Quash, which excludes delay resulting from any pre-  
27    trial motion from the filing of the motion through the conclu-  
28    sion of the hearing or other prompt disposition of such motion.

1 THE PARTIES THEREFORE STIPULATE that the further status  
2 hearing be continued from November 2, 2007, until 9:00 a.m. on  
3 December 14, 2007, with time continuing to be excluded as  
4 specified above, such that the ends of justice served by  
5 granting such a continuance outweigh the best interests of the  
6 public and the defendant in a speedy trial.


7 Dated: October 31, 2007

8  
9 /s/ SHARI L. GREENBERGER  
SHARI L. WHITE  
10 Attorney for JOSE CASTELLANOS

/s/ TIMOTHY J. LUCEY  
TIMOTHY J. LUCEY  
Assistant U.S. Attorney

11  
12 **IT IS SO ORDERED.**

13 Dated: 11/1/07

14   
15 D. LOWELL JENSEN, Judge  
United States District Court  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28